

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 17, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ISAIAH MOSSES COLLEY,  
DAKOTA LEIGH STREET, DION  
ALBERTO GALVAN, BERNICE  
TANYA COLLEY, LYDIA  
RESENDEZ, and DAVID  
MARTINEZ,

Plaintiffs,

v.

CITY OF PROSSER,  
WASHINGTON; CITY OF  
CENTRALIA; and LEWIS  
COUNTY, WASHINGTON,

Defendants.

NO. 4:22-CV-5157-TOR

ORDER GRANTING DEFENDANT  
CITY OF PROSSER'S MOTION FOR  
SUMMARY JUDGMENT

BEFORE THE COURT is Defendant City of Prosser's Motion for Summary Judgment (ECF No. 77). Plaintiffs responded, indicating their non-opposition to the motion (ECF No. 81). This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, Defendant City of Prosser's Motion

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SUMMARY JUDGMENT ~ 1

1 for Summary Judgment (ECF No. 77) is GRANTED.

2       The Court may grant summary judgment in favor of a moving party who  
3 demonstrates “that there is no genuine dispute as to any material fact and that the  
4 movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). The  
5 party moving for summary judgment bears the initial burden of showing the  
6 absence of any genuine issues of material fact. *Celotex Corp. v. Catrett*, 477 U.S.  
7 317, 323 (1986). The burden then shifts to the non-moving party to identify  
8 specific facts showing there is a genuine issue of material fact. *See Anderson v.*  
9 *Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986). “The mere existence of a scintilla  
10 of evidence in support of the plaintiff’s position will be insufficient; there must be  
11 evidence on which the jury could reasonably find for the plaintiff.” *Id.* at 252. The  
12 Court views the facts, and all rational inferences therefrom, in the light most  
13 favorable to the non-moving party. *Scott v. Harris*, 550 U.S. 372, 378 (2007).  
14 Thus, summary judgment will be granted “against a party who fails to make a  
15 showing sufficient to establish the existence of an element essential to that party’s  
16 case, and on which that party will bear the burden of proof at trial.” *Celotex*, 477  
17 U.S. at 322.

18       Plaintiffs’ assert, “[i]n light of the Court’s earlier ruling regarding Benton  
19 County,” they do not oppose “removing the City of Prosser from this litigation.”  
20 ECF No. 81. Per Rule 56(e)(3), a court may, “grant summary judgment if the

1 motion and supporting materials, including the facts considered undisputed, show  
2 that the movant is entitled to it.” Fed. R. Civ. P. 56(e)(3). In light of Plaintiffs’  
3 response, the Court finds that Defendant City of Prosser is entitled to summary  
4 judgment.

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

6 Defendant City of Prosser’s Motion for Summary Judgment (ECF No. 77) is  
7 **GRANTED**. The City of Prosser is **DISMISSED with prejudice**.

8 The District Court Executive is directed to enter this Order, furnish copies to  
9 counsel, and terminate the City of Prosser from the docket.

10 DATED June 17, 2024.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
United States District Judge